

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-1274
)	
Plaintiff,)	Yellowstone County District Court
)	Montana Thirteenth Judicial District
-vs-)	
)	DECISION
JOSHUA WAYNE STEINER,)	
)	
Defendant.)	

On January 16, 2020, the Defendant was sentenced as follows: Count I: One Hundred (100) years to the Montana State Prison, for the offense of Incest, a Felony, in violation of §45-5-507, MCA; Count II: One Hundred (100) years to the Montana State Prison, for the offense of Incest, a Felony, in violation of §45-5-507, MCA; and Count III: Fifty (50) years to the Montana State Prison for the offense of Sexual Assault, a Felony, in violation of §45-5-502, MCA. The Counts were ordered to run concurrently with each other.

The Defendant was given credit for time spent in pre-trial incarceration from October 7, 2017 through January 16, 2020.

The Defendant was designated a Level 2 Sexual Offender under §46-23-509(3)(b), MCA.

The Court imposed a forty (40) year parole restriction on each count upon completion of phases I and II of sex offender treatment.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana State Prison, and was represented by Abigail Rogers, Defense Counsel, who appeared by video from Missoula, Montana. The State was represented by Christopher A. Morris, Yellowstone County Deputy Attorney, who appeared by video from Billings, Montana.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 6th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*

Joshua Wayne Steiner #3028173, Defendant

Hon. Rod Souza– *via email*

Abigail Rogers, Defense Counsel– *via email*

State Office of the Public Defender – *via email*

Christopher A. Morris, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division